The Responsibility to Prevent: Opportunities, Challenges and Strategies for Operationalisation

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1. Executive Summary

At the World Summit in 2005, Heads of State and government unanimously endorsed the Responsibility to Protect (R2P).[1] Member States agreed that each state is responsible for protecting its population from genocide, war crimes, ethnic cleansing and crimes against humanity. The international community acknowledged a collective responsibility to assist states in providing this protection. Furthermore, in circumstances in which states are "manifestly failing" to protect their own populations, the international community recognised its responsibility to take "timely and decisive" action to do so.

Prominent within the agreed text on R2P is a focus upon prevention. "This responsibility," stated the resolution, "entails the prevention of such crimes, including their incitement, through appropriate and necessary means." The international community should "support the United Nations in establishing an early warning capability," and signatories "intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity and to assisting those which are under stress before crises and conflicts break out." Operationalising these statements, however, presents a formidable challenge.

The present report examines this responsibility, and considers what may constitute "appropriate and necessary means" to prevent genocide, war crimes, ethnic cleansing and crimes against humanity. Section One explores the conceptual challenges and opportunities presented by the 'responsibility to prevent'. Section Two offers a number of strategic frameworks through which specific operational measures can be developed in a manner likely to maximise their effectiveness. Section Three presents individual strategies that can be utilised towards the structural and direct prevention of mass atrocity crimes. Implementing the 'responsibility to prevent', through utilising international support and cooperation, and through the identification and implementation of a range of strategies, can have the profound impact intended by those at the World Summit.

2. Introduction

At the World Summit in 2005, Heads of State and government attending the sixtieth session of the United Nations General Assembly unanimously endorsed the following statement:

> 138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.
>
> 139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organisations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.
>
> 140. We fully support the mission of the Special Adviser of the Secretary-General on the Prevention of Genocide.[2]

Since then, there has been discernable progress toward translating the Responsibility to Protect (R2P) into specific policies and strategies. In January 2009

the report of the UN Secretary-General *Implementing the Responsibility to Protect* focussed international attention on the kinds of actions that may be required.[3] The debate on R2P in the General Assembly in July 2009 reiterated international support for the principle, and further engaged actors with its implementation.

The Responsibility to Protect report of the International Commission on Intervention and State Sovereignty (ICISS), which first developed the concept, identified that "Prevention is the single most important dimension of the responsibility to protect."[4] This is reflected in the World Summit Outcome Document statement (above), in which prevention figures prominently. "This responsibility," stated the resolution, "entails the prevention of such crimes, including their incitement, through appropriate and necessary means." The international community should "support the United Nations in establishing an early warning capability," and signatories "intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity and to assisting those which are under stress before crises and conflicts break out."[5]

The present report contributes to this discussion by considering what might be the "appropriate and necessary" means to prevent genocide, war crimes, ethnic cleansing and crimes against humanity. It refrains from advocating any particular strategy in an applied setting; determination of an appropriate response is always context-specific and requires case-specific analysis. The purpose of this report is not to advocate particular strategies, but rather to examine current research in this field. Section One explores the conceptual challenges and opportunities surrounding the prevention of R2P crimes. Section Two offers a number of strategic frameworks through which specific operational measures can be developed to maximise their effectiveness. Section Three presents individual strategies that can be utilised towards structural and direct prevention of mass atrocity crimes. Operationalising the 'responsibility to prevent', through utilising international support and cooperation, and through the identification and implementation of a range of strategies, can have the profound impact intended by those at the World Summit.

3. The 'Responsibility to Prevent': Conceptual Issues and Opportunities

A Three Pillar Approach to the Prevention of Mass Atrocities

In the UN Secretary-General's report *Implementing the Responsibility to Protect*, Ban Ki-moon outlined a three pillar strategy for advancing the agenda of the Responsibility to Protect:

> Pillar One
>
> The protection responsibilities of the State
>
> Pillar Two
>
> International assistance and capacity-building
>
> Pillar Three
>
> Timely and decisive response[6]

The strategy is a valuable conceptual tool for elucidating the three core components of R2P, and those responsible for them. It highlights that preventing genocide and mass atrocities is an international, as well as a national responsibility. Moreover, it focuses attention on the need for early action, and long-term measures such as capacity-building, alongside appropriate action when a crisis is imminent.

At the operational level specific strategies to prevent mass atrocity crimes may range between and across the pillars. Media-based (or related) strategies, for example, can be situated within each pillar and across them all. A state may enshrine the independence of the media in its constitution as a pillar one measure, or may receive international assistance in doing so under pillar two. Under pillar three, the international community may remind a nation's leaders of the consequences of disseminating incitement through the media, as happened in Cote d'Ivoire in 2004.[7] Similarly, a state may pursue security sector reform as part of its pillar one obligations, may receive international assistance in doing so under the rubric of pillar two, or may agree to do so under an international agreement forged as part of a pillar three response to an imminent crisis. In Section Three, this report will further explore how the three pillar approach can guide the effective utilisation of preventive strategies.

Utilising Windows of Opportunity

Strategies to ameliorate risk of genocide or mass atrocities must not only be carefully selected on a case-by-case basis, but ideally utilised at the earliest opportunity, when they are likely to have the greatest impact. The World Summit Outcome document identified a "timely and decisive response" as of key importance when "national authorities are manifestly failing to protect their populations" from R2P crimes.[8] Timely action is not just a key component of pillar three measures, however, but also underpins pillars one and two. Some of the potentially most effective prevention strategies involve "assisting those which are under stress before crises and conflicts break out." Indeed, as the Genocide Prevention Task Force reported, "the greatest opportunities for prevention appear long before violence begins."[9] Early intervention, according to the Task Force, is the preferred course of action, not only in "strategic, resource, and moral terms", but because "engaging early can successfully obviate the need for a much more difficult crisis response at a later stage."[10]

Stages of Prevention

Structural Prevention strategies

Structural, or pre-crisis intervention strategies, include measures that promote good governance and strengthen the rule of law. They may focus on strengthening civil society institutions, fighting corruption, or offering support to those working to improve systems from within. Structural prevention measures are generally conceived of as falling under pillars one and two of R2P. They are appropriate in nations that can be identified as at some, but not imminent, risk of mass atrocities (for further information on identifying nations at risk of mass atrocities, see Asia-Pacific Centre for the Responsibility to Protect, *Preventing Genocide and Mass Atrocities: Causes and Paths of Escalation*). That is, they are appropriate strategies in circumstances where some preconditions for genocide and mass atrocities are present, but there may also be the will to implement ameliorative strategies. Section Three of this report expands on a range of these measures, and how they can be utilised in a timely and effective manner.

Direct Prevention strategies

Direct prevention measures, by contrast, are utilised in circumstances where there is not only potential for conflict, but where it appears that potential is increasing. They are often employed after limited outbreaks of violence, in circumstances where there is clear potential for extreme violence. They may include preventive diplomacy, economic sanctions (or the threat thereof), specific forms of aid conditionality, or the promise of economic inducements for desired outcomes. Some direct prevention measures may occur under pillar one. These may include, for example, the bringing to justice of perpetrators of ethnically motivated violence, or disseminating messages through the media that advocate a return to greater peace and cooperation. Under pillar two, the international community can play a

vital role in supporting nations at this stage. International actors can work cooperatively with nations to support the implementation of indigenous solutions, to try to resolve refugee or internally displaced persons (IDP) issues, for example. Section Three of this report explores direct prevention strategies and how they can be used to halt and reverse escalating conflicts.

Late-stage Direct Prevention strategies

When there is a high likelihood of imminent mass atrocities, more assertive strategies may be required to avert the conflict escalation process. Under pillar three of the responsibility to protect, these may include coercive measures. Section Three of this report considers measures that may be necessary for late-stage direction prevention of genocide and mass atrocities.

The opportunities and challenges of an early engagement approach

Structural, pre-crisis prevention measures not only present the greatest opportunities to prevent genocide and mass atrocities, but to do so in the most cost-effective way. Nevertheless, there remain substantial barriers to the widespread utilisation of such measures. Primary among them is a lack of dedicated resources. Without the urgency of an imminent crisis to provoke action or attract resources, there remains a dearth of capacity dedicated to early prevention measures. This issue is further exacerbated by the difficulty of proving the success of such measures. A nation that remains peaceful lacks the dramatic newsworthiness of conflict; furthermore, critics may contend that the country would have remained peaceful even in the absence of the measures implemented.

Part of this challenge lies in the nature of the tools currently available for providing early warning of mass atrocity crimes. Genocide and mass atrocities are extreme and relatively uncommon events and the causes of these types of extreme violence are complex and multifaceted. Scholars have identified a wide range of risk factors that can indicate some likelihood of future mass atrocities, but current models of risk of genocide and mass atrocity can offer only broad guidance. This has both strengths and limitations. By offering a macro-analysis, watch-lists identify the need for more detailed investigation of risk in particular nations. For example, a watch-list such as that in the Asia-Pacific Centre for the Responsibility to Protect's report *Preventing Genocide and Mass Atrocities: Causes and Paths of Escalation*, typically identifies 8-10 nations as at the highest risk of extreme violence, with a further 15-20 also considered at lower, but still substantial risk. The ability to identify nations at increased risk of mass atrocities is a valuable one. At the same time, however, it presents some very real challenges for genocide prevention. First, the relatively large number of nations identified at risk (compounded by overlapping but differing lists produced by organisations using different measures) makes it difficult to focus the limited resources available to have the greatest chance of preventing future calamity. Warning lists can be used very effectively to provoke in-depth analysis of 'at-risk' nations, but this is dependent on sufficient resources to both conduct and respond to such analyses. Second, such long lists of 'at-risk' nations may contribute

to complacency, as warnings become diluted by their sheer number, and as violence escalates in only a few cases. The following two recommendations may contribute to alleviating these issues.

Improving the ability to provide early warning of mass atrocity crimes

There is a clear need to fund further research into the paths of escalation that culminate in mass atrocities. In particular, while there is a reasonable understanding of risk factors for genocide, our understanding of factors that inhibit the onset of mass violence is far more limited. Research focussed on stabilising factors, or de-accelerators, may enable a more nuanced approach to identifying nations at risk of mass atrocity. Programs such as Swisspeace's Early Warning Program FAST international have sought to develop this capacity further. Further research also needs to be conducted on the issue of why genocide occurs *when* it does. A greater understanding of the development of the risk escalation process over time, and triggers for its onset, would facilitate more "timely" and appropriate risk-amelioration strategies.

A Quantitative Approach to Mass Atrocity Prevention

A new approach to quantifying the success (or otherwise) of efforts to prevent mass atrocities could promote increased capacity for structural prevention. At present, the success of prevention work can only be defined by 'non-events', that is cases that did not escalate or mass atrocities that did not occur. Even in circumstances where it appeared there was a very high risk of imminent genocide, this identification may be interpreted as less than rigorous. For earlier stage direct prevention or structural prevention efforts, such claims can be viewed as tenuous at best. Moreover, claiming certain 'successes' belies the often long-term presence of low level risk factors, that may still have the potential to escalate at a future point.
Adopting a public health model approach to quantifying the outcomes of efforts to prevent mass atrocity crimes may offer a way in which to avoid these pitfalls. In recent years, a number of datasets have been developed that quantify incidents of mass atrocities, and death tolls from war and mass atrocity crimes in the twentieth century. These have enabled aggregate figures to be tabulated. A public health model approach might monitor these figures over time – in a similar way to the tracking of other causes of death or incidences of disease – to consider the evolution of mass atrocity crimes over time. Compared with historical data, a downward global trend, for example, might indicate successful mitigation strategies (although controls would need to be in place for confounding variables). This kind of data may provide insights as to the effectiveness of structural prevention efforts without the conundrum of measuring 'non-events'.

The Precautionary Principle

Adopting a public health model approach may also contribute to moving from the current culture of inaction and reaction to mass atrocities, to a culture of prevention. A strong argument has been developed, for example, for applying the precautionary

principle to genocide prevention. According to the precautionary principle, typically invoked in environmental epidemiology, if "there is uncertainty as to the likelihood of a catastrophic event, the costs and consequences of doing nothing are greater than those of prevention." [11] The principle has justified intervention processes to prevent mass outbreaks of diseases such as avian influenza and SARS. Organisations such as the World Health Organisation have ongoing funding, resources and capacity to respond to such threats well prior to their potentially most lethal phase. Applying the precautionary principle to the field of genocide prevention "shifts the locus of intervention in genocide from proof of intent after the event to predict and prevent before the event … Genocide's catastrophic consequences compel public health providers to put preventive principles into practice."[12] By providing a framework of risk reduction in which to locate structural prevention programs, this could facilitate the institutionalisation of funding and capacity for them.

A ladder, a toolbox, or something else?

Two general frameworks have guided practitioners seeking to operationalise preventive strategies in the wider field of conflict prevention – the 'ladder' and the 'toolbox'.[13] The 'ladder' approach typically outlines a graduated sequence of measures, with stronger measures being utilised in situations of increasing severity. The toolbox approach suggests the availability of a range of measures, from which the most appropriate may be selected at will. Operational typologies specific to the prevention of genocide and mass atrocities have similarly adopted these approaches. For example, the ICISS report, *The Responsibility to Protect*, posits "a continuum of graduated policy instruments".[14] Co-chair of the Commission Gareth Evans adopted a 'toolbox' approach in his own book on R2P.[15]

In practice, however, it has been acknowledged that both approaches encompass many of the same policy options, and opportunities for escalation can be more limited than might have been expected.[16] For example, sanctions, arms embargoes and diplomatic endeavours are often features of each approach. Historically, nations subject to some of these punitive measures have often continued to pursue the same policies, and the imposition of further measures – such as additional sanctions – has not had a lasting impact. This was evidenced in the sanctions imposed upon Iraq under Saddam Hussein's rule, for example. Moreover, the 'toolbox' style approach implies a discrete 'problem', for which there is a correct tool, and that its application will 'repair' the problem. This belies the complex and ongoing nature of many of the conflicts that lead to mass atrocities, and the ongoing efforts that are typically required to reduce the risk of mass atrocities occurring.

A Framework of Engagement

The present report proposes neither a 'toolbox' or 'ladder' framework, but rather a framework of engagement. With ongoing, active engagement of the international community, a multifaceted approach tailored on a case-by-case basis may provide the greatest possibilities for risk mitigation. As the Genocide Prevention Task Force reported, "When high-level officials are actively engaged, progress is usually

possible."[17] Key participants may be the United Nations, regional organisations, neighbouring nations or NGOs. There is substantial evidence of the effectiveness of ongoing engagement in mitigating the risk of mass atrocities. For example, the notable successes of the Organisation for Security and Co-operation in Europe (OSCE) 'Missions of Long Duration' suggest the effectiveness of ongoing engagement as a framework that curbs conflict-escalation and facilitates risk-mitigation. Additionally, several examples of 'negative' case studies of genocide and mass atrocities – that is instances in which there appeared to be a very high likelihood of massive violence, but it did not eventuate – are notable for their high level of ongoing international engagement. The conflicts in Northern Ireland and Apartheid South Africa have been considered in this way, for example.[18] While other explanations cannot be dismissed in either case, the high degree of international focus and involvement in them appears a likely contributor to the ongoing restraint exhibited by parties to each conflict.

An Incremental Approach

Engagement also implies an incremental and ongoing, rather than absolute and finite, approach to the prevention of R2P crimes. Too often, preventing genocide and mass atrocities has been framed around the stark choices of doing nothing or 'sending in the Marines' during acute crises.[19] This false dichotomy has served as an excuse for inaction. Yet even in the midst of the Holocaust, those who did the limited amount they could were often able to have a real impact. The Swedish diplomat Raoul Wallenberg, for example, saved as many as 100,000 lives through utilising every means available. [20] Moreover, his actions convinced diplomats in other legations that it was possible to similarly make a difference:

> Soon the other neutral legations in Budapest began copying Wallenberg's idea, issuing their own protective passes ... Switzerland, Spain, Portugal, the Holy See's Papal Nuncio, even the honorary consul of El Salvador issued protective passes ... even the International Red Cross issued protective passes, although its passes had no governmental backing at all.[21]

An incremental approach, utilising whatever will and capacity is available, may substantially contribute to averting mass atrocities, and saving lives during their acute phases. Furthermore, an incremental approach facilitates at least some intercession, even in the absence of appropriate action by the UN Security Council.

4. Strategic Frameworks for Operationalisating the 'Responsibility to Prevent

A Flexible Approach

The multiple and complex roots of genocide and mass atrocities, and the manner in which they combine over time to lead to extreme violence, add to the challenge of effective prevention. The Genocide Prevention Task Force report acknowledged, "History has shown that genocide and mass atrocities can manifest themselves in highly variable ways, and we should not assume that future perpetrators will follow old patterns."[22] The UN Secretary-General specifically addressed this issue in his report on *Implementing the Responsibility to Protect*:

> In dealing with the diverse circumstances in which crimes and violations relating to the responsibility to protect are planned, incited and/or committed, there is no room for a rigidly sequenced strategy or for tightly defined "triggers" for action.[23]

While individual strategies likely to mitigate risk of mass atrocities can be identified and implemented to great effect (and are discussed in Section Three of this report), the complexity of extreme violence may limit their applicability and effectiveness in particular cases. Responding to risk of genocide and mass atrocities requires a nuanced and flexible approach.

Strategic Frameworks

Before delving into a discussion of the role and value of individual strategies, it is therefore worth considering how broader, strategic frameworks can guide practitioners seeking to operationalise the responsibility to prevent. In this section, three broad and complementary frameworks are explored as approaches to mass atrocity prevention. These include utilising the advice of area specialists, mobilising the international community in support of R2P and utilising a cooperative approach to effect change. While not individual strategies themselves, actions within these approaches have the clear potential to be of substantial impact in mitigating the risk of genocide and mass atrocities.

Utilising the knowledge of Area Specialists and Expert Advice

Extreme violence can manifest in different ways. While general inferences can be made as to causes, paths of escalation and potential risk-mitigation strategies, each event is also the culmination of a unique set of circumstances. Just as general causative models can offer some insights, but not fully explain the particular path of an individual case, so too are general risk-mitigation strategies constrained by the specificity of a given situation. Area specialists – whether they be diplomats, scholars or nongovernmental organisation (NGO) workers – offer a level of expertise essential to effective preventative work. As the Genocide Prevention Task Force

report noted, "There are few, if any, one-size-fits-all solutions. Effective strategies must be tailored carefully, based on a deep understanding of case-specific characteristics."[24] Yet too often expert advice and warnings have gone unheeded.
If we consider the events leading to the Rwandan genocide as an example, a litany of missed opportunities can be identified in which the advice of area specialists and those commissioned to give expert advice – had it been heeded – could have made a very real difference. Some of this advice was given decades in advance. After investigating the ethnic violence in Rwanda in December 1963 and January 1964, for example, UN Commissioner Max Dorsinville recommended that "all means of solving the refugee problem should be urgently explored."[25] At the same time, East African researcher Aaron Segal published a succinct, yet prescient treatise on 'Alternatives to Annihilation', in which he neatly outlined measures necessary to prevent "genocide" there, including resolving the refugee problem.[26] At this stage, there were clear opportunities for risk-mitigation strategies, yet they were largely ignored.
By the early 1990s, area specialists, NGOs and commissioned investigations issued multiple warnings of the impending catastrophe in Rwanda.[27] Yet in this case, the ongoing warnings were somewhat discredited because of their sheer number – a bizarre calculation in hindsight.[28] Even the August 1993 report of UN Special Rapporteur Mr. B. Ndiaye, warning that 'genocide' may be an applicable term for some of the violence there, failed to elicit an appropriate response. Effective operationalisation of the Responsibility to Protect, however, requires an approach geared to heeding such warnings.

Mobilising the International Community in support of R2P

Tremendous opportunities for the prevention of genocide and mass atrocities exist through the mobilisation of organs of the international community. The United Nations and its entities have the potential and legitimacy to act in ways that can substantially reduce the risk of mass atrocities. Mainstreaming the consideration of R2P into all relevant United Nations activities would be a powerful approach toward this goal. In the same way that gender considerations and disaster risk reduction considerations are incorporated into development programs where relevant, there is the opportunity for R2P to also be explicitly considered in the development of UN programs. Furthermore, institutionalising R2P in this way would convey a strong statement as to its importance in the international arena.

Regional organisations can also play a powerful role in operationalising R2P. Regional organisations may be able to offer specific resources towards mass atrocity prevention, such as mediation, preventive diplomacy or a preventive deployment of peacekeeping forces. They can also play a substantial role in advocating the importance of R2P and the implementation of preventive strategies in their region. Similarly, NGOs may be able to mainstream R2P considerations into relevant programs, further highlighting the centrality of the concept in the international community.

Working Cooperatively to effect change

A cooperative, rather than coercive, approach to risk-mitigation is more likely to be effective, and far more likely to gain the endorsement of UN member states. Cooperative strategies typically require engagement at earlier stages of crisis prevention, but can subvert more acute crises. Moreover, there is substantial evidence that there are windows of opportunity in which at-risk nations welcome, and even request assistance, prior to adopting the radical ideologies that may lead to extreme violence. The historian Robert Melson has contended that utilising such an opportunity may have forestalled the Armenian genocide: "Had the Great Powers, even without Russia and Austria, helped Turkish democracy to establish itself, it is likely that even then the empire would have undergone grave tribulations, but the Armenian genocide possibly could have been averted."[29] Similarly, had the international community responded to Rwanda's requests for assistance with its refugee problem in the 1960s, the explosive confluence of events in the 1990s may have been averted.

Operationalising the Responsibility to Protect in more developed nations

In many cases, the only viable option for preventive work is that undertaken co-operatively. Practitioners often consider poor, developing nations as the paradigmatic 'at-risk' nation, and common risk-mitigation strategies are primarily appropriate for this type of target nation. Yet as the *Implementing the Responsibility to Protect* report commented, "the worst human tragedies of the past century were not confined to any particular part of the world. They occurred in the North and in the South, in poor, medium-income and relatively affluent countries."[30]

An examination of current watch-lists for nations at risk of mass atrocities reveals a substantial number of politically, economically and/or militarily powerful nations on these lists. For example, Genocide Watch's 'Countries at Risk of Genocide, Politicide or Killing' current list includes nuclear power Pakistan in its highest risk category.[31] The political scientists Barbara Harff and Ted Gurr, who have conducted extensive work in preparing such lists, placed China in fifth position on their most recent watchlist. Genocide Watch includes Turkey and India as nations at mid-level risk, while the Genocide Prevention Project includes China and Indonesia at this second-tier risk level. Harff and Gurr place Saudi Arabia and Egypt at a similar ranking.

The kinds of strategies useful for structural or direct prevention in such nations might be very different from those appropriate in smaller, developing nations. Moreover, the international position of some of these nations makes a cooperative approach the only viable one. While the variance in the watch-lists themselves is an area future research should target – particularly in the identification of mid-level risk – the prevalence of strategically and politically significant nations on these lists is somewhat concerning. There is a clear need for risk-mitigation strategies to be developed and considered that focus upon working cooperatively with relatively powerful nations. At the same time, however, the political sensitivities of such lists constrains both their development and use.

5. Strategies for Operationalising the Responsibility to Prevent

In addition to the broad approaches toward prevention outlined in Section Two, there are a range of specific measures that can be employed in specific contexts to stabilise or de-escalate the risk of mass atrocities. The following strategies for operationalising the responsibility to prevent are presented in three broad subsections: structural prevention strategies, direct prevention strategies and late-stage direct prevention strategies. Structural prevention strategies may be most useful in nations where preconditions for genocide are present, such as those identified in the Asia-Pacific Centre's earlier report, *Preventing Genocide and Mass Atrocities: Causes and Paths of Escalation*. Direct prevention strategies are most likely to be effective when a nation is experiencing crisis and upheaval, and it appears a risk escalation process is underway. In times of imminent emergency, late-stage direct prevention strategies may be able to stabilise the situation, and contribute to de-escalation. It is important to recognise, however, that individual strategies can be utilised in multiple ways and sometimes at multiple stages, and these categories are intended for guidance only.

Utilising Strategies Effectively

Any particular strategy will have both advantages and disadvantages that need to be weighed carefully before implementation. A multifaceted approach is likely to be most effective, involving a unique combination of strategies tailored to the particular circumstance in question. Moreover, there must be an ongoing awareness of the potential to exacerbate the risk. The political scientist Peter Uvin, for example, has documented how development programs in Rwanda prior to 1994 may have inadvertently contributed to the risk of genocide there.[32] There are other well documented incidences of poorly planned interventions having pronounced negative effects.[33] Nevertheless, we can identify particular types of action, and individual strategies, most likely to have a positive impact. With appropriate and careful use, they can lead to real reductions in the risk of extreme violence.

6. Strategies for Structural Prevention

Strategies for Structural Prevention

Democracy as a Protective Factor, Supporting Nations Transitioning to Democracy

Economic Growth and Economic Stability
- Development Assistance

Good Governance
- Strengthening legal protections and judicial systems
- Security Sector Reform
- Fighting Corruption
- Promoting Civil Society and Civil Institutions

Educating for Tolerance

Programs to Combat the Political Manipulation of Ethnic Tensions

Promotion of Human Rights

Develop the Capacity of the United Nations to respond to potential R2P Crimes

Develop the Capacity of Regional Organisations to contribute to prevention

Deterrence as a Form of Prevention

Democracy as a Protective Factor, Supporting nations transitioning to democracy

Democratic nations rarely perpetrate genocide and mass atrocities. Democracy, therefore, is a strongly protective factor, and possibly the strongest in the arsenal of structural prevention measures. Extensive research supports this finding, including the work and statistical analyses of the political scientist Rudy Rummel, and the findings of the Political Instability Task Force.[34]

While there is overwhelming evidence of democracy as a preventive factor, some qualifications are necessary. First, the democracy must be robust and fully-functioning to offer the best protection. The weak democracy of the 1920s Weimar Republic in Germany, for example, was easily disassembled by Hitler after taking office. Second, universal enfranchisement is a key component of a robust democracy.

Finally, there must be stability within the democratic system. Nations transitioning to democracy, or in which democratic institutions are still developing, are actually at *increased* risk of extreme violence during the transition period. According to the

political scientist Matthew Krain, for example, "the occurrence of openings in the political opportunity structure rather than the degree of concentration of power best predicts onset and differing degrees of severity of genocides and politicides."[35] (Openings in the political structure are defined as occurring if "at least one of the following four factors changes: 'the opening up of the access to participation, shifts in ruling alignments, the availability of influential allies, and cleavages within and among elites'".[36]) Thus the kinds of changes inherent within a transition to democracy can be perilous for nations at-risk of mass atrocities, although if they successfully transcend them, they are at substantially decreased risk.

An awareness of these challenges, and frank discussion of them, may aid successful democratisation processes. There are also opportunities for the international community to offer support to transitioning nations, thereby decreasing this risk. Such support might include independent mediators to enable conflictual pro-democratisation forces to reach agreement on the format of the democratisation process, election observers to imbue the first elections with legitimacy, inducements for governments meeting democratisation milestones and the provision of legal expertise for the drafting of supporting legislation. It might also include specific support for pro-democracy advocates and moderates within the nation. Careful support for moderate voices, and context-specific programs, may be particularly effective in promoting peaceful transitions to democracy.

In recognition of this, organisations such as the United Nations Democracy Fund (UNDEF) and the European Instrument for Democracy and Human Rights (EIDHR) have developed programs that promote and support democratic reform. In Bangladesh, for example, UNDEF funds a project "to create conditions for more active civic engagement among rural and semi-urban poor citizens, and to build up the capacity of local government towards more accountable and effective governance."[37] A key goal of the project is to strengthen democracy in rural Bangladesh.[38] Another initiative supported by UNDEF resulted in a book of essays focussing on "how African countries can promote and endorse the African Union's Charter on Democracy, Elections and Governance."[39] EIDHR utilises civil society to support democracy and democratic reform. For example, one project funded by EIDHR in 2009 supported the population in a number of regions in Georgia to develop societal capacity for "inclusion in democratic governance and political dialogue, in the political representation and decision-making processes at municipality level."[40] Such programs support democracies and democratisation at the local level, often providing assistance as nations seek to develop robust democracies. This local approach may assist in managing and mitigating the risks associated with transitions to democratic government.

Economic growth and economic stability

Promoting equitable economic growth is an important protective factor in at-risk nations.[41] Periods of economic distress have preceded many of the major genocides of the twentieth century – such as in Ottoman Turkey prior to the Armenian genocide, Germany prior to Hitler taking power, and Rwanda in the late 1980s.

Economic growth is typically advocated as a key structural prevention measure. Policies that promote economic growth can also be effective in direct prevention, as part of a package of measures to diffuse tensions in an escalating situation.

Economic growth is particularly protective when it is equitable. Horizontal inequity, and perceptions of horizontal inequity, can leave vulnerable minorities at continued risk, and continued disadvantage, even when overall economic growth in a nation appears healthy. Furthermore, horizontal inequity has been shown, in at least some cases, to be positively associated with the occurrence of deadly ethno-communal violence.[42] By contrast, equitable growth can contribute to breaking down the entrenched disadvantage experienced by vulnerable minorities, and thereby reduce their likelihood of falling victim to mass atrocities.

While steady economic growth can have a protective effect, evidence also indicates that economic shocks can rapidly erode its influence as a stabilising factor. Rwanda provides a strong example of this. Rwanda's economy suffered a major setback in the late 1980s as the price of its major export, coffee, plummeted.[43] This quickly impacted on everything from maternal and infant mortality to the availability of imports such as toothpaste, and contributed to rising tensions in the nation. The benefits of more than a decade of relatively steady economic growth, and significant improvements in poverty-alleviation in that time, rapidly disappeared.

A nuanced analysis of the role of economic factors, therefore, might suggest that stable economic growth is more protective against conflict escalation than bursts of rapid economic growth. This is supported by Harff's finding that a low level of 'trade openness' is a significant predictor of future risk of genocide.[44] Economic stability, therefore may be an important factor alongside relative economic development or poverty level. An examination of historical instances of genocide, several of which have occurred in relatively affluent economies after a period of economic stress, is suggestive of the validity of this finding. This suggests that there are many opportunities to work cooperatively with both less and more developed nations to advocate measures promoting economic stability as protective against genocide and mass atrocities. Building protection against economic shocks, such as diversity in trade products and partners, and having measures available to cushion the blow of economic downturns (such as cash reserves or relatively low debt levels), may be particularly valuable as preventive measures.

Development Assistance

Poor countries lack the resources to address many of the causes of conflict. Development assistance can both directly and indirectly address these causes, through specific programs targeted towards mitigating points of conflict, or through wider economic strategies that reduce the competition for limited resources.
Poverty reduction is recognised as an essential strategy for reducing conditions conducive to extreme violence, and one in which development assistance can play a major role.[45] As UN Secretary-General Kofi Annan remarked, "Every step taken towards reducing poverty and achieving broad-based economic growth ... is a step

toward conflict prevention."[46] While poverty itself is not a direct cause of genocide and mass atrocities, it can be a powerfully aggravating factor. Well-designed and carefully implemented development assistance can assist in addressing inequities in the distribution of resources, widen access to opportunities, provide technical assistance, facilitate access to wider markets for produce, and facilitate economic development.[47] Reducing poverty can mitigate the risk of mass atrocities in some of the poorest at-risk nations.

Good Governance

According to Gareth Evans, "Achieving *good governance* in all its manifestations – representative, responsive, accountable, and capable – is at the heart of effective long-term conflict and mass atrocity prevention."[48] Good governance includes promoting and supporting representative and accountable governments.[49] In particular, governmental structures that spread authority and accountability across multiple levels of government – at national, regional and local levels – create barriers to the narrow concentrations of power that are common features of regimes that commit mass atrocities.[50] Good governance also incorporates building international links, both economic and political, that increase participation in the global community. Three key components of good governance can create additional barriers to extreme violence:

<u>Strengthening legal protections and judicial systems</u>

In at-risk nations, there is potential for minor and even accidental incidents of wrongdoing that cut across societal divisions to escalate into riots and public violence. At times, such incidents are manipulated by political elites to be the 'trigger' for massacres. Effective judicial systems reduce both the desire and capacity of people to seek alternative or extralegal means to redress their grievances. Issues can be addressed through recourse to a relatively impartial legal system, rather than through violent means. Such a system may also contribute to reducing ethnic or religious polarisation.

In cases in which there have been violent incidents, it is important that they are addressed through a robust legal system. Impunity for ethnically, racially or religiously motivated violence effectively encourages the continuation and escalation of such violence. This can occur at both the national and international level. Prior to the Rwandan genocide, for example, Hutu extremists conducted a series of smaller, 'trial' massacres of Tutsi, in part to gauge the response of their French ally. According to historian Gérard Prunier:

> The Hutu government ... did a bit of massacring in October 1990, then again in 1991 – small massacres of about 300 people at a time, nothing much compared to what would happen later. Each time, they watched to see how the French were going to react. The Hutu were pleased by France's tolerance and understanding, and they began to raise the level of violence. Had the

> French made it clear that they did not support this extremism, the situation might not have deteriorated so badly.[51]

The sociologist Vahakn Dadrian has also explored the role of the 'legacy of impunity' in shaping the events that led to the Armenian genocide. According to Dadrian, Europe's failure to impose any sanctions on the Ottoman Empire in the wake of the massacres of more than 100,000 Armenians in the 1890s, contributed to the subsequent Armenian genocide. [52] Ensuring rapid justice for aggressors within a nation after outbursts of violence, therefore, and ensuring international condemnation and efforts to secure this justice, is an important measure to curb an escalating cycle of violence.

Strengthening legal protections for at-risk minorities is a further measure that creates barriers to their exclusion. In the case of Botswana, for example, the indigenous San Bushman have been able to legally challenge their government's attempts to remove them from their traditional homelands. While this has been far from a panacea for the discriminatory measures they have endured, it has created real obstacles for the government's relocation programme, and offered partial protection for the Bushmen. Such barriers may also reduce the likelihood of discriminatory policies radicalising toward more extreme options.

Legal protection is particularly important given that legal discrimination against targeted minorities has been identified as a precondition for genocide and mass atrocities.[53] It is a very real opportunity for nations themselves to operationalise R2P under pillar one, by removing any discriminatory legislation. This can be further enhanced through developing protective legislation and the ratification of relevant international conventions. There are also substantial opportunities for regional organisations, neighbouring nations and NGOs to offer international assistance to nations undertaking this work, under pillar two of R2P.

<u>Security Sector Reform</u>

Security sector reform (SSR) is widely recognised as an important contributor to good governance and form of structural prevention. As the Genocide Prevention Task Force report asserted, "Security sector reform – the effort to transform police, military, and other security forces into professional, rights-respecting services – may be one of the most direct and effective means of removing the capacity to commit atrocities."[54] A competent and disciplined security sector contributes to good governance, and promotes stability and trust in the state.[55] SSR "focuses on building effective, accountable and sustainable security sectors that operate within a framework of the rule of law and respect for human rights."[56] SSR can involve changes to security sector legislation, separation of the security sector from political involvement, strengthening of police forces, reform of judicial and penal systems, reform of national security policies, and other measures that may be appropriate within specific contexts. Institutionalising accountability is an essential component of this reform. Military accountability, both legal and political, is vital to curbing

excesses and ensuring the military operates within the law. [57] Financial accountability is equally important to genuine reform.

For many nations, embarking on a process of security sector reform may be a medium to long-term undertaking, with many incremental steps required in the process. Such measures are to be encouraged as positive moves towards institutionalising policies in support of R2P. There are many opportunities, too, for international cooperation and assistance in facilitating security sector reform in willing nations. The UN has had numerous successes in promoting SSR, particularly in post-conflict zones, such as Kosovo.[58] In other cases, there are very real challenges to convincing reluctant states to embark upon SSR, and to ensure that resulting changes are meaningful rather than rhetorical. An incremental approach, that encourages the process to at least commence, may be helpful. Additionally, regional organisations may be able to play a role in encouraging reform.

A three pillar strategy to promote Security Sector Reform

Pillar One
Where appropriate, at-risk nations should be encouraged to pursue security sector reform as a method of structural prevention

Pillar Two
There are many opportunities for international cooperation and assistance in facilitating security sector reform in willing nations

Pillar Three
Security sector reform may be a component of peace agreements or disarmament agreements negotiated to forestall crisis situations

Fighting Corruption

Corruption is an insidious challenge to good governance. It subverts the system from within, directing energy, resources and wealth towards the benefit of a small number of individuals rather than the state. Corruption also reduces the impact of development or humanitarian assistance, has a negative impact on economic growth and leads to enormous wealth disparities.[59] Perhaps its most damaging effect, however, is that it reduces trust in the mechanisms of the state, and the perceived legitimacy of the government itself. So devastating are the effects of corruption that Evans has contended "No single rule of law issue is more important than the eradication of corruption."[60] Efforts to curb corruption are a key measure for the structural prevention of R2P crimes.

Promoting Civil Society and Civil Institutions

Vibrant civil society organisations are "among the most elemental building blocks of a strong and just society."[61] Civil society organisations can take diverse forms, such as church groups, economic co-operatives, human rights organisations, niche interest groups and others. They often promote inclusion and involvement of community members. They may support the rights of women, promote education, or allow a community to work co-operatively to greater economic advantage. Empowerment of communities at this grass roots level can promote tolerance, lawfulness and be of real societal benefit.[62] In societies with functional civil society organisations, and the freedom to create such organisations at will, individuals and communities have greater power to influence their own welfare and induce positive changes in their lives. This may make them less susceptible to the kind of negative, exclusionary rhetoric of potential perpetrators. At times, however, such organisations have played a role in promoting violence.

There is mounting evidence of the benefit of promoting strong civil society organisations at the local level in particular. The relative decentralisation of power forms a barrier to the high concentrations of power conducive to the perpetration of mass atrocities. When some local needs are being met through local agency and local processes, "political struggle for control of the central government then becomes less critical."[63] In some circumstances, local civil society organisations with ethnically heterogeneous memberships can have important preventive roles in mitigating ethnic tensions and violence.[64] In other societies, the ethnic heterogeneity or homogeneity of local civil society organisations appears less important than whether such organisations promote a sense of inclusion, community, and reflect democratic values.[65] Nations can foster the development of civil society organisations as a pillar one measure, at relatively little cost. External actors, such as other nations, NGOs and even intergovernmental organisations can aid this process substantially under pillar two, with an appropriate context-sensitive approach. Fostering civil society organisations, therefore, is a valuable protective measure of structural prevention.

Educating for Tolerance

Developing and implementing education programs that promote tolerance and compassion towards others is an important way to promote generational attitudinal changes that can reduce the likelihood of genocide and mass atrocities.[66] Certainly this is a strategy that requires a long-term commitment. Yet historical research suggests that risk of genocide or mass atrocities is often recognisable literally decades in advance.[67] The potential for genocide in Rwanda, for example, was clearly articulated by area specialists as early as the 1960s. [68] Similarly, the risk of the state-sponsored extermination of the Armenian minority in the Ottoman Empire was widely discussed by experts for more than twenty years prior to the Armenian genocide.[69] These timelines indicate that there is ample opportunity for educational programs to have an impact in at-risk nations.

Programs that promote tolerance and compassion may empower communities to resist the incitement and propaganda that typically precede mass atrocities, and even to demand its cessation. Proponents of education as a strategy for structural prevention are cognizant of the wide-reaching cultural changes required. The psychologist Ervin Staub acknowledged:

> To create a non-violent world we will have to change cultures and social institutions which carry the devaluation of others, maintain discrimination, emphasise obedience to authority, whether benevolent or destructive, and in other ways provide the structures that lead to violence ... what caring children learn must be an inclusive caring, that is also applied to people outside the group, to all human beings.[70]

There is evidence that such cultural change could be highly effective. Studies of individuals who rescued others during the Holocaust suggest they are distinguishable by specific traits that may be educable. That is, they possess great empathy for the suffering of others and feel a greater sense of inclusiveness – "a tendency to feel connected to diverse people and groups."[71] Rather than seeing themselves essentially as Poles, or Germans, or Catholics, they had a sense of shared humanity with all people.[72] They also possess a high internal locus of control.[73] That is, they are people who feel that they, individually, can make a difference. As a result, they do. Through their heroism, these rescuers have demonstrated the kinds of values societies can teach their children to protect against risk of mass atrocities.

UNESCO has demonstrated the possibilities of targeting programs to "foster a culture of peace through education."[74] According to the UN, "the culture of peace is a set of values, attitudes, modes and behaviour and ways of life that reject violence and prevent conflicts by tackling their root causes to solve problems through dialogue and negotiation among individuals, groups and nations."[75] UNESCO has sought to promote a culture of peace through promoting education-based strategies: "revising ... educational curricula to promote qualitative values, attitudes and behaviours of a culture of peace, including peaceful conflict-resolution, dialogue, consensus-building and active non-violence ... [to] promote respect for all human rights ... foster democratic participation ... advance understanding, tolerance and solidarity ... [and] promote international peace and security."[76] These kinds of strategies can be further developed to specifically target the prevention of genocide and mass atrocities.

Programs to Combat the Political Manipulation of Ethnic Tensions

The politicisation of ethnic tensions has been identified as a key indicator of risk of genocide and mass atrocities.[77] Societal divisions may be manipulated by political elites during times of difficulty or internal strife, either as a distraction from other issues, or to provide a scapegoat for the difficulties. Such manipulation is particularly dangerous in societies in which there are already additional risk factors for mass atrocities present. They can contribute to polarisation, to incitement to

violence in the media, and to a cascade of escalating tensions that culminates in deadly violence.

Strategies that seek to reduce, eliminate or combat the political manipulation of ethnic tensions, therefore, have substantial potential to inhibit the processes of risk escalation. Programs that directly target politicians and government officials may be particularly helpful. Many may not be aware of the potential dangers of politicising ethnic and other societal cleavages, or their own possible culpability in the process. Furthermore, when politicians speak directly on this issue, there is evidence it can be very effective. For example, Kazakhstan's President Nazarbayev has repeatedly reinforced the value of national unity in the ethnically diverse nation, even as it has been affected by the recent economic downturn. It may even be possible to work with at-risk nations to get broad agreement across the political spectrum to refrain from using polarising rhetoric. Such agreement, if it could be obtained, would be a powerful inhibitor of risk escalation.

More broadly, educational programs directly focussed on this issue could target both adults and school children. Assisting populations to identify divisive rhetoric, and to think critically about the messages being presented, empowers communities to reject this kind of political discourse. A key component of such programs would be to incorporate discussions of the potential consequences of identity politics. As the UN Secretary-General has recognised, education that promotes "a political culture that favours tolerance, dialogue and mobility over the rigidities and injustices of identity politics," can further the objectives of the Responsibility to Protect.[78]

Promotion of Human Rights

Ongoing efforts to promote human rights at the national, regional and international levels can contribute to the prevention of mass atrocities. Within nations, human rights institutions may be able to advocate to government on human rights issues, offer oversight and negative publicity concerning human rights violations, and may contribute to ensuring human rights continue to be part of the political agenda. Ideally, every nation should have its own national human rights institution that is compliant with the standards agreed upon in the Paris Principles.[79]

At the regional level, human rights organisations can inform discussion of regional issues and promote the ongoing importance of respecting human rights. In nations where there are human rights violations, they may be able to advocate for policy changes. The ASEAN Inter-Governmental Commission on Human Rights, for example, has recently been established within ASEAN to consider human rights issues, although with somewhat limited terms of reference. International human rights organisations can also contribute to placing pressure on nations in which human rights violations are occurring. The UN Human Rights Council (UNHRC), in particular, can address and make recommendations to the General Assembly with respect to human rights violations in individual nations. It can also promote human rights more generally, offer advisory services, and assist with capacity-building.[80] Importantly, it can also promote efforts to ensure nations sign and implement

international human rights agreements, and enact appropriate domestic legislation in support of human rights.

Promotion of human rights in these ways can have an important impact at the international level. Continued reference to human rights highlights to all nations that human rights issues are not separate from political and economic issues, but an integral part of international relations. It also serves as a reminder that human rights are at the very heart of the UN Charter, and of the link between human rights and sovereignty.[81] In the current age of globalisation, ensuring that consideration of human rights is integrated into international relations can contribute to increasing respect for them.

Develop the Capacity of the United Nations to respond to potential R2P Crimes

The United Nations must be considered as both tool and artisan in operationalising the responsibility to prevent. Unique in its universal legitimacy, it "is unquestionably the principal institution for building, consolidating and using the authority of the international community." [82] Furthermore, the prevention of mass atrocities is fundamental to its agenda. As Secretary-General Annan affirmed in 2004:

> There can be no more important issue, and no more binding obligation, that the prevention of genocide. Indeed, this may be considered one of the original purposes of the United Nations.[83]

The rhetoric, however, is in stark contrast to the way in which the United Nations has responded to genocide and mass atrocities in the past, such as the genocides in Rwanda and Bosnia. As the political scientist Adam Jones devastatingly yet accurately commented: "The UN has an abysmal record in confronting and forestalling genocide."[84] In recognition of this, the United Nations has recently sought to improve its capacity to respond, through the appointment of the Special Advisors for the Prevention of Genocide and the Responsibility to Protect. Yet it was forced to acknowledge that in 2009, nine years after the release of the official reports on UN actions during the Rwandan genocide and the fall of Srebrenica, "many of their institutional recommendations, including on early warning, analysis and training, have not been fully implemented ... The United Nations and its Member States remain underprepared to meet their most fundamental prevention and protection responsibilities."[85] Implementing the recommendations of these reports is crucial to learning the lessons offered by the tragic failures in Rwanda and Bosnia, and would be a meaningful way in which to improve UN capacity to prevent mass atrocities.

Improving the capacity of the UN to prevent and respond to R2P crimes, and particularly in a "timely and decisive manner" is fundamental to the operationalisation of the Responsibility to Protect. In recognition of this, the Asia-Pacific Centre for the Responsibility to Protect is currently preparing a more detailed report on the current and potential capacity of the United Nations to prevent genocide and mass atrocities, to be released in mid-2010.

Develop the capacity of regional organisations to contribute to prevention

Regional organisations can play a major role in mitigating the risk of mass atrocity crimes. Regional actors may be particularly motivated by the practical consequences of inaction – for example, large refugee flows or the potential destabilising impact that extreme violence can have regionally. The will to act may be augmented by a depth of local knowledge that can facilitate positive outcomes. Additionally, regional organisations may be able to exert specific influence, or leverage their relationship with the relevant nation(s) in order to positively impact upon a high-risk situation.
The great potential for regional organisations to prevent the kinds of conflict that can lead to mass atrocities has been demonstrated through the actions of the OSCE.[86] In particular, the OSCE High Commissioner on National Minorities has been credited with stopping "as many as a dozen major ethnic and language-based conflicts from breaking out across Central and Eastern Europe, from the Baltics to Romania."[87] Developing similar capacity for preventive diplomacy in other regional organisations could be of tremendous benefit as a structural prevention strategy aimed at preventing R2P crimes.

Regional organisations have also demonstrated leadership in circumstances where direct prevention, or reaction, has been required. The engagement of the African Union (AU) in potential and actual instances of mass atrocities in Africa is a reflection of the AU's commitment to 'non-indifference' rather than 'non-interference'.[88] The AU-mandated Panel of Eminent African Personalities, led by former UN Secretary-General Kofi Annan, for example, had substantial success in calming the unrest in Kenya following the disputed December 2007 presidential election.[89] The Economic Community of West African States (ECOWAS) has also been an effective regional organisation in support of human security. Regional organisations, therefore, can be utilised very effectively in support of the responsibility to protect. Developing capacity within such organisations – particularly capacity for preventive diplomacy – and facilitating learning between such organisations, can contribute to mitigating the risk of genocide and mass atrocities.

Deterrence as a form of Prevention

A credible threat of punishment for potential organisers and perpetrators of mass atrocities may act as a deterrent to their commission. In the past, perpetrators of mass atrocities have often not been held accountable for their crimes. Former UN High Commissioner for Human Rights, José Ayala Lasso, once remarked "A person stands a better chance of being tried and judged for killing one human being than for killing 100,000."[90] In the wake of the mass atrocities in the former Yugoslavia and Rwanda in the 1900s, ad hoc International Criminal Tribunals were established to bring to justice some of the leading perpetrators in each case. Subsequently, the International Criminal Court has been established as a permanent body. Effective deterrence was a primary objective of the court's establishment:

> Once it is clear that the international community will no longer tolerate such monstrous acts without assigning responsibility and meting out appropriate

> punishment – to heads of State and commanding officers as well as to the lowliest soldiers in the field or militia recruits – it is hoped that those who would incite a genocide; embark on a campaign of ethnic cleansing; murder, rape and brutalize civilians caught in an armed conflict; or use children for barbarous medical experiments will no longer find willing helpers. [91]

There is some evidence of early success in this regard. In Côte d'Ivoire in November 2004, for example, "where xenophobic hate speech had exacerbated domestic tensions and spurred further violence," then Special Advisor on the Prevention of Genocide Juan Méndez "reminded" authorities there "that they could be held criminally responsible for the consequences."[92] According to a UN press release on 15 November 2004:

> Mr. Mendez said today Ivorian authorities had an obligation to end impunity and curb public expression of racial or religious hatred, warning that in the absence of effective action such incitement can be referred to the ICC.
>
> He recommended that national authorities put an immediate end to the propagation of hate speech and media-induced violence through official outlets, aggressively prosecute all acts of violence and incitement, and recommit themselves to the ceasefire accords that ended the fighting two years ago between the government in the south and rebels in the north.

Within a short time, the rhetoric had moderated.[93] At best however, the deterrent effect of a credible threat of punishment can only be one strategy within a suite of measures.

7. Strategies for Direct Prevention

Strategies for Direct Prevention

Preventive Diplomacy
- Mediation
- Quiet Diplomacy, Public Diplomacy

Positive Inducements

Aid Conditionality

Economic Sanctions
- Targeted Sanctions

Arms Embargoes

Work with religious institutions to eschew violence
- Interfaith Dialogue

Respond decisively to limited outbreaks of violence and human rights concerns

Undertake work to resolve/ameliorate refugee and IDP issues

Media-based Strategies
- Disrupting incitement in the media
- Utilising the Media at the earliest opportunity
- Utilising the media as a tool to promote public engagement with R2P

Preventive Diplomacy

Preventive diplomacy is a key measure in the prevention of genocide and mass atrocities. Indeed, it is so central to prevention that the Genocide Prevention Task Force devoted an entire chapter to it.[94] Their central recommendation, to create a new high-level interagency body in the US – an Atrocities Prevention Committee – dedicated to responding to threats of genocide and mass atrocities, may also be appropriate for the European Union, other nations and intergovernmental organisations to consider.[95] Dedicated capacity to monitoring nations deemed at medium to high risk of mass atrocities, and direct lines of communication with the highest levels of government, could substantially augment the international community's ability to prevent and respond to emerging R2P crises.[96]

Preventive diplomacy is worthy of a central position in the direct prevention arsenal as one of its most effective strategies. According to the *Human Security Report*

2005, the "80% decline in the most deadly civil conflicts numbers that has taken place since the early 1990s" is primarily attributable to "the extraordinary upsurge of activism by the international community that has been directed toward conflict prevention, peacemaking, and peacebuilding."[97] A critical component of this, according to the report, is "a dramatic increase in preventive diplomacy".[98] By preventing latent conflicts from escalating into warfare, the cascade of events that can lead to extreme violence is interrupted. The close relationship between war and mass atrocity crimes – with 16 out of 17 mass atrocities recorded in Africa in one study occurring in countries at war, for example – reveals the critical importance of preventing conflict as a measure of R2P.[99]

Mediation

In *Implementing the Responsibility to Protect*, UN Secretary-General Ban Ki-moon highlighted the importance of indigenous mediation capacity. "Building capacities for inclusive and participatory processes of dialogue" and local dispute resolution capacity are critical components of the responsibility to prevent.[100] Developing these capacities could be an important pillar one measure toward operationalising the Responsibility to Protect for individual nations. There is also a major role for international assistance in such endeavours, under pillar two of R2P. Neighbouring nations can be highly effective mediators, bringing local expertise and wisdom to the negotiating table. At times, however, it may be preferable to the parties involved to have a non-neighbouring nation – with few perceived interests in the conflict – as a relatively neutral third party participant. Intergovernmental organisations, regional organisations and nongovernmental organisations can also be invaluable in diplomatic endeavours.

Quiet Diplomacy, Public Diplomacy

Preventive diplomacy can adopt variable forms. 'Quiet diplomacy', with its discreet and respectful approach, can be persuasive in changing regime-behaviour. The analyst John Heidenrich has suggested quiet diplomacy is best suited to relatively early-stage conflict prevention, however, and unlikely to be singularly sufficient in dissuading a nation already contemplating genocide or mass atrocity crimes.[101] More public diplomacy can place both internal and external pressure upon regimes to change undesirable behaviours. Sometimes friendly – and not so friendly – warnings can hint at the consequences of non-compliance. Such warnings much be credible and plausible to be effective, however.[102] Official efforts at preventive diplomacy can be augmented by private sector, or 'track two' diplomacy.[103] A united approach, by the United Nations or regional organisations, can also place multilateral pressure on a nation to desist from behaviours that might facilitate or lead to mass atrocity crimes.

Preventive diplomacy is a multifaceted tool that can be utilised in different ways and by different actors to halt and even reverse escalating situations. It represents one of the most powerful tools – and best opportunities – for R2P to succeed in the 'responsibility to prevent'. For this reason, endeavours to build capacity in this area

may be of particular value. The OSCE, for example, provides an excellent model for other regional organisations to follow in developing capacity for non-violent conflict resolution at the regional level. Such capacity could also be developed at the national level in at-risk nations, through the establishment of centres promoting peaceful relations between groups, and offering mediation and conflict resolution processes. National human rights institutions may be able to offer such services. The UN Institute for Teaching and Research (UNITAR) offers advanced training in conflict analysis, negotiation and mediation skills that could be utilised to further such programs. Ensuring the ready availability of methods for non-violent conflict resolution facilitates their use in times of tension.

Positive Inducements

Positive Inducements, or economic incentives, can be quite effective as a measure to promote specific policy or behavioural adjustments by an at-risk nation, in exchange for political or economic benefit.[104] They have been successfully utilised in the past, for example, to facilitate the Ukraine to relinquish its nuclear arsenal.[105] Typically, they are used as a tool in international negotiating processes, often with a major power offering the inducement. In these circumstances, a government may be persuaded to grant civil rights for its minorities, to pursue demilitarisation policies, or to comply with a civil-war settlement. In return it may be granted favourable trading terms, purchase agreements, economic or military aid, military cooperation, access to technology or expertise, investment, or a package of multiple inducements.[106] Inducements can foster goodwill and cooperation.[107] They appear to be most successful when utilised at an early stage of prevention, and from a position of strength.[108] While they are relatively under-examined compared to sanctions, they are an important diplomatic tool with a strong record of success. Under pillar two, they can be used in conjunction with other measures such as preventive diplomacy to promote policies and practices conducive to R2P in at-risk nations.

Aid Conditionality

Aid conditionality ties the provision of developmental assistance to desired commitments or outcomes in the recipient nation. Such assistance may be linked to meeting democratisation targets or to human rights goals. In nations dependent on substantial external financial assistance, there is evidence it can lead to behavioural changes.[109] For example, when French President François Mitterrand announced in June 1990 that future economic aid to African states would be linked to multiparty democracy, Rwandan reliance on French foreign aid meant it had little choice but to commence reforms to its one-party rule.[110] A month after Mitterrand's speech, Rwandan President Habyarimana "suddenly declared that he supported a multiparty system."[111] Yet aid conditionality is controversial. As Evans has elucidated, there are ethical concerns regarding the withholding of assistance to populations ruled by a recalcitrant regime.[112] Moreover, there are concerns as to whether the resultant changes reflect a genuine commitment by the recipient regime. In the Rwandan case, for example, Habyarimana arguably delayed any real change by simply

appointing a Commission to make recommendations regarding the democratisation process.[113] As a result, new types of aid conditionality have been developed in recent years. The European Commission, for example, has developed programs of performance-based conditionality, in which disbursement of aid is linked to the achievement of objectives.[114] Indicators include those in the areas of budgetary management, health and education, and partial achievement is rewarded with partial disbursement of funds.[115] Used carefully and cooperatively, aid conditionality may be a very useful strategy to meet specific goals supportive of R2P.

Economic Sanctions

Sanctions have been widely used as a coercive tool in recent decades. In particular, they have been used in a number of cases of potential or actual genocide, such as the UN and OSCE sanctions imposed against the former Yugoslavia (1991) and the UN sanctions against Rwanda (1994).[116] Their effectiveness as a policy response for R2P, however, is questionable. There are instances where sanctions appear to have been persuasive against rogue states, such as in apartheid South Africa.[117] Yet the preponderance of evidence with respect to mass atrocity crimes suggests "that sanctions, not unlike other measures of international diplomacy or coercion, do little to deter genocide when it is in the offing and are ineffective at halting it when it is occurring."[118] Furthermore, according to the political scientist George Lopez, general sanctions can substantially contribute to a deterioration of human rights in nations at risk of mass atrocities, "creating a favourable climate for genocide."[119] According to the Executive Office of the Secretary General, "The only real disagreement in the contemporary sanction literature relates to the degree to which sanctions fail as an instrument for coercing changes in the behaviour of target states."[120]

<u>Targeted Sanctions</u>

As an attempt to improve the efficacy of sanctions and reduce their humanitarian cost, the United Nations has recently focussed on targeted, or selective sanctions as a more refined coercive measure. Targeted sanctions "offer a way to focus the penalty more directly on those most responsible for the crisis."[121] They may involve asset freezes, travel restrictions for individuals or members of the targeted government, a ban from participation in international organisations, or a ban on dealing with companies from a particularly nation.[122] They may involve restrictions on specific types of trade that generate income for the targeted government, such as oil, diamonds or logging. While targeted sanctions are not a panacea, carefully designed sanctions, utilised as part of a package of measures, may be effective in inducing policy change in targeted nations. Nevertheless, their history of being "too little and too late in dealing with genocide and near-genocidal occurrences" suggests they may be of somewhat limited utility for R2P.[123]

Arms Embargoes

Arms embargoes are a targeted sanction touted as "an important tool of the Security Council and the international community when conflict arises or is threatened."[124] Yet evidence suggests that they have not always been successful with respect to R2P crimes in the past.[125] The case of Angola, however, stands out as a good example of how embargoes might usefully assist the protection of populations. After several years of ineffective implementation, the Security Council began to name and shame countries that violated the Angolan arms embargo. Implementation was strengthened as a result of Council oversight, gradually starving UNITA of arms, paving the way for their military defeat and the end of conflict. There is some evidence that arms embargoes can be effective in certain circumstances, however, and that with better enforcement they have the potential to be powerful tools. Studies on the effectiveness of arms embargoes have found that their flaws centre around failures of implementation.[126] For example, control in the trade of small arms has been difficult to achieve despite arms embargoes, due to a lack of domestic legislation to prosecute those involved in small arms trade with nations subject to arms embargoes, and a lack of UN resources and capacity to police arms embargoes.[127] These issues are ongoing, but there may be opportunities for future improvement. In cases where there has been enforcement, there is evidence that arms embargoes can be effective. The arms embargo on Côte d'Ivoire, for example, is credited with helping "to stymie the descent into civil war there", in circumstances where the eruption of genocide was widely feared.[128] Alongside the arms embargo in Côte d'Ivoire, however, was a large deployment of UN peacekeepers. In the absence of such a presence, it is unclear that such a positive outcome is achievable.
However, arms embargoes can also prove counter-productive as demonstrated by the case of Bosnia. In this case, a UN-imposed arms embargo prevented the newly independent Bosnia-Herzegovina from acquiring arms to defend itself from Milosevic's Yugoslavia.[129] A subsequent examination of the impact of this embargo by International Court of Justice Judge Elihu Lauterpacht found a "direct link ... between the continuation of the arms embargo and the exposure of the Muslim population of Bosnia to genocidal activity at the hands of the Serbs."[130]

Goals such as limiting the arms available to potentially genocidal regimes, and controlling the illegal trade in small arms that often end up in the hands of their militias, are highly laudable. The chequered history of arms embargoes, however, highlights the negative consequences of embargoes that are not adequately enforced or enforceable. Arms embargoes, therefore, need to be considered very carefully as a tool with real potential to do harm to the very vulnerable populations they are ostensibly employed to protect. Moreover, they cannot be considered in isolation. The smuggling of illegal arms, the availability of small arms to purchase (legally or illegally), the existence of armed militias and the use of child soldiers can all impact on the effectiveness of arms embargoes.

Work with religious institutions to eschew violence

Religious institutions occupy a unique position within society. As a powerful voice for the supremacy of morality, they have the opportunity to play a vital role in a number of ways. At times this role has been a very active one, as missionaries, religious leaders and lay persons have acted to thwart atrocities in line with their religious precepts. Human Rights organisations such as *Operation Broken Silence* (a Christian organisation), *Jewish World Watch* and *Save Darfur* (an alliance including multiple faith-based organisations) demonstrate the refusal of religious organisations to be passive bystanders to genocide and mass atrocities in the modern world. Other organisations, such as *Islamic Relief WorldWide* and *Tzu Chi (Buddhist Compassionate Relief) Foundation* have adopted a broad agenda of humanitarian activities in support of a peaceable agenda.

Interfaith Dialogue

Interfaith dialogue is a means through which religious organisations can promote understanding and reconciliation between divided groups within a society. Religion is commonly a contributing factor in conflicts, and interfaith dialogue can work to reduce this source of discord. Interfaith dialogue can be utilised successfully in diverse ways. High-level interfaith dialogue can propel religious leaders to issue joint statements advocating for peaceful intergroup relations.[131] According to interfaith advocate David Smock, "The focus is joint action on behalf of peace. This can be particularly effectively where religious divisions are among the sources of societal division and conflict."[132] Interfaith bodies may also have the capacity to conduct mediation between opposing groups in conflict situations, as did the Interreligious Council in Sierra Leone.[133] At the grassroots level, interfaith dialogue can open communications between diverse groups in a society, and facilitate greater understanding of, and empathy towards them.

Respond decisively to limited outbreaks of violence and human rights concerns

The interplay of strategic and moral issues at the international level frequently sees strategic imperatives prioritised over human rights concerns. Political leaders often refrain from commenting upon the human rights records of their neighbours or allies for fear of the negative impact it may have on relations. Certainly there is an appropriate place for pursuing peaceable international relations. Yet repeatedly 'overlooking' issues of concern can be a costly strategy. Evidence demonstrates that failure to respond emphatically to dangerous rhetoric, limited outbreaks of ethnic violence and the like not only allows it to continue, but facilitates its escalation. Ultimately, this can have very serious consequences.

There are many examples of how the failure to react decisively facilitates an escalating cycle of violence. Often this process can be traced through decades of international relations. Prior to the Armenian genocide, for example, diplomatic relations between the Ottoman Empire and the Great Powers of Europe were littered with more than two decades of correspondence in which the international

community was unwilling to decisively condemn or respond to repeated outbreaks of massacres there. In 1895 the English observer Reverend MacColl commented astutely:

> The impunity which the *Porte* [Ottoman government] has enjoyed for the horrors of [the massacre at] Sassun has encouraged the Sultan and his advisors to organise a crescentade [sic] in Asia Minor; and I have good evidence for saying that if Europe do not intervene speedily, the Armenian question will soon be settled by the extermination of the Armenians.[134]

Similarly, the French toleration of massacres of Tutsi in Rwanda in the 1990s (discussed earlier in Section Three of this report) facilitated the subsequent genocide. This built on an earlier history of the international community failing to respond decisively to massacres of Tutsi in Rwanda in December 1963 and January 1964.

More recently, events in Kenya demonstrate the dangers of this approach to international relations. While the international efforts to quell the post-election violence in Kenya in 2007 have been hailed as a successful utilisation of R2P, it is important recognise that this violence was partly enabled by the international community's failure to respond to earlier outbreaks of ethnic violence there. Since 1991, several thousand Kenyans have been killed and many thousands more displaced by a series of violent incidents.[135] The violence is regularly linked with the electoral cycle.[136] Yet international actors repeatedly failed to properly condemn the violence, or acknowledge the role of Kenya's government in its instigation.[137] This facilitated further use of violence as a successful political strategy. By contrast, had international donors followed the example of the Dutch in the 1990s, and cut aid to the Kenyan government in response to its human rights record and governance issues, it may have made this strategy far more costly for the government to consider in subsequent elections.[138] A previous suspension of some development assistance in 1991 – in response to corruption and to provoke the liberalisation of the political system – led to reform within weeks.[139] This suggests the potential for the success of a concerted response in dissuading the Kenyan government from using or allowing such violence.

The three examples of Ottoman Turkey, Rwanda and Kenya demonstrate that international responses that endorse, overlook or otherwise fail to decisively condemn ethnic violence create conditions to future explosions and escalation. Moreover, when only some members of the international community speak out, it can often be the silence of key powers or allies that is heard most loudly. Early, decisive and united international engagement has real potential as an inhibitor of the escalating cycles of violence that can lead to genocide and mass atrocities.

Undertake work to resolve/ameliorate refugee and IDP issues

Presently, there are almost 42 million refugees globally.[140] As *Refugees International* has noted, "Refugee crises left unattended threaten stability around the world." [141]

Nowhere is this more apparent than in Central Africa. In Rwanda, ethnic violence associated with the decolonisation process in the early 1960s led to approximately 100,000 refugees scattered around its borders at independence.[142] Refugee incursions sparked the massacres in 1963-64. In 1990, it was second generation refugees from the independence process that invaded Rwanda as the Rwandan Patriotic Front, seeking repatriation and reintegration. This contributed to the destabilisation of Rwanda that ultimately led to the genocide. Post-genocide, massive refugee flows have destabilised the entire region and contributed to civil war and violence in the Democratic Republic of the Congo. The entire region is still suffering the impact of this today.

The UNHCR's Brian Barbour and Brian Gorlick suggest "there may be no easier way for the international community to meet its responsibility to protect than by providing asylum and other international protection on adequate terms."[143] While acknowledging the complexities and difficulties of this issue, they suggest "the grant of asylum is, or would be in many cases, the most practical, realistic and least controversial response to assisting victims of mass atrocities."[144]

While there are already substantial efforts to address refugee issues, most notably by the UNHCR, there are many opportunities for further work in this area. UNHCR notes that repatriation of refugees to their homelands, resettlement when repatriation is impossible, and local integration of refugees into their host community can all offer durable solutions for refugees.[145] But for many millions of refugees, none of these solutions are presently possible. Greater international cooperation, and greater willingness of nations to accept larger numbers of refugees could aid in resolving this issue. Expert analysis of specific refugee issues can offer additional insight in resolving particular cases. Effective resolution of refugee crises can substantially reduce the likelihood of mass atrocities crimes. As *Refugees International* have noted, "timely responses to refugee crises can increase stability in a region before the conflict spreads across borders."[146]

Media-based Strategies

The media has often played a key role in the progression of mass atrocities and situations of potential mass atrocity. It is unique in its capacity to both facilitate and inhibit extreme violence. Appropriate awareness and management of the role of the media, therefore, is an important tool in the R2P prevention arsenal.

Disrupting incitement in the media

The role of media in 'incitement' to mass violence has been well-documented. In historical instances of genocide, such as the Holocaust and Rwanda, the media has been utilised by perpetrators as a vital tool for the dissemination of propaganda. Nazi propaganda, disseminated through films, newspapers, printed cartoons and even children's story books presented the Jews as subhuman, inferior, vermin and a dangerous threat to Germany that must be destroyed. As one propagandist newsletter stated:

> Who believes that a parasite (e.g., a louse) can be improved or changed? . . . We can only choose between being devoured by the parasite or destroying it. The Jew must be destroyed wherever we meet him! In doing so, we commit no crime against life, rather serve life's laws of struggle, which always oppose that which is an enemy to healthy life.[147]

Similar techniques and messages were utilised in the propaganda prior to the Rwandan genocide.[148] Thus in March 1993 the fortnightly publication *Kangura* proclaimed:

> A cockroach gives birth to a cockroach ... the history of Rwanda shows us clearly that a Tutsi stays always exactly the same, that he has never changed ... the inyenzi [literally cockroaches, but used to refer to the Tutsi] who attacked in October 1990 and those of the 1960s are all linked ... their evilness is the same."[149]

The centrality of propaganda, and its wide dissemination via the media, is such that numerous models of the preconditions for genocide include it as a key marker on the path towards extreme violence.[150] 'Incitement' has also been suggested as a trigger point for intervention.[151] Strategies that interrupt this process, therefore, make it more difficult for perpetrators to pursue their violent intentions.

The kinds of strategies needed to subvert the effects of incitement and propaganda in nations at risk of mass atrocities are likely to be fairly case-specific. In the wake of the Rwandan genocide, for example, the United States was heavily criticised for having the ability to, but refraining from, jamming the 'hate radio' that dominated Rwanda in the lead up to and during the genocide. By contrast, what has been dubbed the "ring about Serbia", that is multiple Serbian-language radio broadcasts from neighbouring states, is crediting with most likely helping to topple Serbian President Slobodan Milosevic in 2000.[152] Media-based strategies have probably been under-utilised as direct prevention measures in high-risk situations, but given the importance of incitement and propaganda in the lead up to mass atrocities they are well worth consideration.

<u>Utilising the media at the earliest opportunity</u>

A free and independent media can be an important component of structural prevention measures to prevent mass atrocities. As the Genocide Prevention Task Force report commented, "Free and responsible media are critical to ensuring that both citizens and governing elites are well informed and that citizens are able to hold their government accountable."[153] In nations identified as at some risk of mass atrocities, particular attention should be given to promoting ethical media reporting. The way in which intergroup tensions are reported can have a profound impact on how they are interpreted by the wider public. Moreover, the kind and amount of attention given to intergroup issues can influence their predominance as a political issue. Beyond ensuring the structures and organs of a free and independent media are developed or maintained in at-risk nations, programs that specifically target

media personnel as to their role in this regard could be an important aspect of structural or direction prevention.

Utilising the media as a tool to promote public engagement with R2P

The media can play a vital positive role in preventing genocide and mass atrocities through alerting the public to situations of high risk and outbreaks of violence, and through promoting public engagement with issues surrounding R2P. Many human rights organisations, particularly in the western world, rely heavily on the media to publicise crises and assist in rallying support for their causes. Genocide Intervention Network and Amnesty International, for example, utilise the media in their efforts to mount 'grassroots' campaigns to pressure governments to respond to mass atrocities. According to the Executive Director of Amnesty International USA, William Schulz, "If mass atrocities are therefore to be met with more than rhetoric and if the 'responsibility to protect (R2P)' is to become more than a slogan, popular outrage will need to outflank governmental reluctance."[154] The media can play a vital role in all stages of this process.

Utilising Media-based strategies across the three pillars

Pillar One
At-risk nations should be encouraged to institutionalise a free and independent media with appropriate legal protections
At-risk nations can develop and support efforts that use the media to promote positive intergroup relations

Pillar Two
There are opportunities for international assistance to enable nations to develop appropriate legal and constitutional protections for an independent media
NGOs may be able to assist by offering programs to train media personnel in ethical reporting of intergroup relations

Pillar Three
The international community can subvert the effects of propaganda and incitement by making alternative messages accessible to affected populations via appropriate mechanisms

8. Late-Stage Direct Prevention Strategies

Late-Stage Direct Prevention Strategies

Surveillance

The Imposition of 'No-fly' Zones

The Questionable Value of 'Safe Areas'

Peacekeeping Missions

Opening Borders

Surveillance

The historian Christopher Walker once described World War One as providing "a thick black velvet arras, behind which the Young Turks could act with impunity."[155] While he invoked this evocative image metaphorically, recent technological developments mean that – for the first time in history – satellite and other forms of surveillance make it all but impossible to hide the physical evidence of mass atrocity crimes. Sites of suspicious activity can now be monitored on an ongoing basis, and sequential satellite images can be used to track events chronologically. Satellite images taken at the time of the genocide in Srebrenica, for example, reveal mass grave sites in which the Serbian perpetrators buried more than 8000 Bosnian men and boys.[156] The Geographic Information Systems project *Conflict and Genocide in Former Yugoslavia, 1991-1995* created by Yale University's Genocide Studies Program, has subsequently become an invaluable resource in which satellite images documenting the processes of destruction in Bosnia can be utilised as historical evidence of events there.

Similarly, the stark images on Amnesty International's *Eyes on Darfur* satellite imagery project reveal the destruction of villages in Darfur through juxtaposing 'before' and 'after' images. *Eyes on Darfur* is credited with most likely protecting 12 villages in Darfur and eastern Chad from attack during the crisis there.[157] In circumstances of imminent ethnic cleansing or genocide, judicious use and publication of satellite imagery – or images collected from unmanned aerial vehicles – can communicate to organisers of such crime that the world is watching. While not singularly sufficient, this can contribute to protecting vulnerable minorities.

The Imposition of 'No-fly' Zones

No fly zones are a measure that can be implemented to provide limited protection to civilians caught up in a conflict situation. They can be of some effect, while not requiring the resources and risks associated with full-scale military intervention. In Iraq between 1991-2003, for example, no-fly zones imposed over areas of the north and south of the country helped to protect small groups of targeted minorities there.[158] There have been multiple calls for a no-fly zone to be imposed over Darfur, where the specific circumstances of the crisis render them likely to be quite effective:

> A dozen French and German fighter aircraft based in Cahd could protect the defenceless Darfurian villages from air attack. Is this a likely scenario? Of course it isn't – at the moment the political will does not exist in the UN and EU to take such a decisive military action. Imposing a no-fly zone, however, would save lives.[159]

To be effective, no-fly zones must be adequately defended if necessary. Yet they offer a relatively low-risk and potentially effective intervention strategy to respond to R2P crimes in a "timely and decisive manner" when action under pillar three is appropriate.

Peacekeeping Missions

Peacekeeping missions may be deployed to monitor and supervise cease-fire agreements and/or oversee the implementation of peace agreements.[160] Traditional peacekeeping missions have been "premised on the consent of all the parties to the conflict, expected to remain completely impartial between them, and not mandated or expected to use force except in self-defense if under attack."[161] Issues that have arisen out of some of these missions, however, have recently led to more robust missions, often with a civilian protection role. Dubbed 'peacekeeping plus' or 'complex peacekeeping' missions, they have a greater range of options and resources to assist in achieving their mandate.[162]

Consensual peacekeeping missions have had notable successes in preventing deadly conflict. The United Nations Preventive Deployment Force (UNPREDEP) in Macedonia is widely considered an example of successful preventive deployment. The United Nations Operation in Cote D'Ivoire (UNOCI) may also have forestalled an escalation of conflict there, in circumstances where Cote D'Ivoire was regarded as a nation at very high risk of the outbreak of mass atrocities. By contrast, the United Nations Assistance Mission for Rwanda tragically failed to protect the Rwandan people from the 1994 genocide there. There remains space to further develop consensual peacekeeping missions to ensure they are as effective as possible, and strongly focussed towards R2P where relevant.

Opening Borders

In circumstances where the onset of mass atrocities appears imminent, the opening of borders can be a highly effective strategy. As the political scientist Benjamin Valentino remarked, "History ... demonstrates that the ability of potential victims of mass killing to flee across borders often has been a critical factor in limiting or averting mass killing."[163] There is no doubt that opening borders would have saved innumerable Jewish lives during World War Two. Such actions are themselves not without adverse consequences, as Valentino recognised. For example, mortality rates amongst refugees are often very high, and rarely could this action be expected to foster some more permanent solution to the conflict. Additionally, open borders and allowing refugee flows can present an uncomfortable challenge to traditional conceptions of sovereignty. Nevertheless, in circumstances "when mass killing is imminent or in progress", and where the international community is unable to facilitate a more assertive "timely and decisive" response, there is little question that opening borders would save lives.[164] In extreme circumstances, such unconventional approaches to R2P should not be summarily discounted. Preventing the next Rwanda, or the next Bosnia, or indeed the next Darfur, has to be preferable to apologising afterwards.

9. Conclusion

Countless lives have been lost, and countless more shattered by the mass atrocity crimes of the past century. The tragedy of these losses is compounded when we consider the missed opportunities that might have prevented, or curbed, many of these terrible events. As this report has elucidated, genocide and mass atrocities are preventable. Nations can incorporate structural prevention measures into their operation that reduce the capacity for extreme violence. States recognised as being at some risk can implement a selection of strategies to reduce that risk and create barriers to escalation. The international community can offer assistance in myriad ways to strengthen the protection of populations everywhere. Even in circumstances where there appears to be strong likelihood of imminent violence, there are options available for concerted action to protect vulnerable populations. The Responsibility to Protect recognises that the challenge of preventing mass atrocities is ambitious, but achievable. It recognises that the international inaction as the genocides in Rwanda and Bosnia were underway should not be repeated, and that there is an international responsibility to protect populations from extreme violence. In many respects it represents an unprecedented opportunity for the international community to profoundly impact upon the incidence of mass violence in our world.

Yet in seeking to address the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity, it must be recognised that there have been many failures, and few successes, in past attempts at doing so. The Responsibility to Protect is not the first international instrument aimed toward the prevention of mass atrocity crimes. Only sixty years ago, the world swore *never again* in the wake of the Holocaust. Yet despite this commitment, the resulting *Convention on the Prevention and the Punishment of the Crime of Genocide* was insufficient to forestall the genocides that marred the latter half of the twentieth century. The international community must commit to moving beyond rhetoric and towards the ongoing operationalisation of its principles. The present report has expounded on some of the ways in which it may do so. The challenge is now to enact them.

10. Notes

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The Asia-Pacific Centre for the Responsibility to Protect is an Associate of the Global Centre for the Responsibility to Protect. The Centre's mission is to advance the Responsibility to Protect principle within the Asia-Pacific Region and worldwide, and support the building of capacity to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

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